

STATE OF INDIANA )  
 ) SS:  
COUNTY OF BOONE )

IN THE BOONE CIRCUIT COURT  
CAUSE NO. 06C01-0602- PL-086

STATE OF INDIANA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SUNSHINE CANDLE CORPORATION, )  
 )  
Defendant. )

**FILED**

OCT 12 2006

*Diana C. Sawloff*  
CLERK BOONE COUNTY CIRCUIT COURT

### DEFAULT JUDGMENT

This cause having come before the Court on the motion of the Plaintiff, State of Indiana, for a Default Judgment against the Defendant, Sunshine Candle Corporation, and the Court, having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendant.
2. Defendant, Sunshine Candle Corporation, was duly served with a copy of the complaint and summons pursuant to Rule 4.6 of the Indiana Rules of Procedure on February 14, 2006.
3. The Defendant has failed to appear, answer, or otherwise respond to the Plaintiff's Complaint.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that judgment is GRANTED in favor of the Plaintiff, State of Indiana, against the Defendant, Sunshine Candle Corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Ind. Code § 24-5-8-18 and Ind. Code § 24-5-0.5-4(c)(1), the Defendant, Sunshine Candle

Corporation, its officers, agents, representatives, employees, successors, and assigns are permanently enjoined from engaging in the following conduct in violation of Ind. Code § 24-5-8-1 *et seq.* and Ind. Code § 24-5-0.5-1 *et seq.*:

a. in the course of entering a business opportunity contract, failing to provide Indiana investors with the disclosures required by Ind. Code § 24-5-8-2 at least seventy-two (72) hours before the earlier of the investors' execution of a business opportunity contract with the Defendant or the receipt of any consideration by the Defendant;

b. failing to obtain a surety bond in the amount of at least twenty (20) times the initial payment required for the business opportunity, but not less than seventy-five thousand dollars (\$75,000.00), in favor of the State of Indiana for the use and benefit of Indiana investors prior to offering to sell its business opportunity to Indiana investors;

c. failing to file a copy of the disclosure statement and surety bond and to pay the filing fee of fifty dollars (\$50.00) required by Indiana law with the Consumer Protection Division of the Office of the Attorney General prior to placing any advertisement or making any representation to any Indiana investor about said business opportunity;

d. in the course of entering a business opportunity contract, failing to include the requirements of Ind. Code § 24-5-8-6, including but not limited to, the name and business address of Defendant's agent in Indiana to receive service of process, a detailed description of any services that Defendant undertakes to perform for the investor, a detailed description of any training that Defendant

undertakes to provide to the investor, and a thirty (30) day cancellation provision in its business opportunity contracts with Indiana investors which grants the investor the right to cancel the contract by mailing notice to the Defendant by midnight of the thirtieth (30<sup>th</sup>) day after the contract is entered into; and

e. in the course of entering a business opportunity contract, requiring a payment before the delivery of goods that exceeds twenty (20%) percent of the initial payment unless the amount in excess of the twenty percent (20%) is placed in an escrow account that meets the requirements of Ind. Code § 24-5-18-12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered for the Plaintiff, State of Indiana, against the Defendant, Sunshine Candle Corporation, as follows:

a. Cancellation of the Defendant's business opportunity contract with the Timothy S. Love pursuant to Ind. Code § 24-5-8-15 and Ind. Code § 24-5-0.5-4(d);

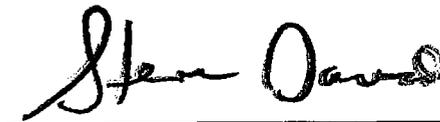
b. Consumer restitution pursuant to Ind. Code § Ind. Code § 24-5-0.5-4(c)(2) and (d) in the amount of Two Thousand Nine Hundred Eighty Dollars (\$2,980.00) on behalf of Timothy Love;

c. Costs pursuant to Ind. Code § 24-5-0.5-4(c)(3), awarding the Office of the Attorney General its reasonable expenses incurred in the investigation and prosecution of this action in the amount of Five Hundred Ninety Four Dollars (\$594.00); and

d. Civil penalties pursuant to Ind. Code § 24-5-8-20 and Ind. Code § 24-5-0.5-4(g) for the Defendant's five (5) knowing violations of the Deceptive Consumer Sales Act, in the amount of five thousand dollars (\$5,000.00) per violation, for a total of Twenty Five Thousand Dollars (\$25,000.00), payable to the State of Indiana.

For a total monetary judgment in the amount of Twenty-Eight Thousand Five  
Hundred Seventy-Four Dollars (\$28,574.00).

All of which is ORDERED, ADJUDGED AND DECREED this \_\_\_\_ day of  
\_\_\_\_\_, 2006.



\_\_\_\_\_  
Judge, Boone Circuit Court

Distribution:

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